

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHARLES REED,)	CASE NO. 8:08CV245
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
GREAT WESTERN BANK,)	
)	
Defendant.)	

This matter is before the Court on its own motion. On August 29, 2008, the Plaintiff Charles Reed filed a Second Amended Complaint (Filing No. 16) without leave of Court. The Report of Parties' Rule 26(f) Planning Conference (Filing No. 14) states in paragraph III.A.: "If necessary, plaintiff can file the necessary motions to add parties or amend pleadings by August 29, 2008." The Order for Initial Progression of Case (Filing No. 15) states at paragraph 7: "Any motion to amend pleadings and/or add parties shall be filed not later than September 2, 2008."

Fed. R. Civ. P. 15(a) provides: "(1) A party may amend its pleading once as a matter of course: (A) before being served with a responsive pleading; or (B) within 20 days after serving the pleading if a responsive pleading is not allowed and the action is not yet on the trial calendar. (2) In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires."

Reed amended his Complaint once without leave of Court, as was his right. He did not seek leave of Court to amend his Complaint the second time, nor did he obtain the written consent of the Defendant.

IT IS ORDERED:

1. The Plaintiff's Second Amended Complaint (Filing No. 16) is stricken; and
2. The Plaintiff shall respond to the Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Filing No. 12) within the response time allowed by NECivR 7.1(b)(1)(B) and 6.1(b).

DATED this 3rd day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge